

**Maryland Department of the Environment
Clean Water Action Work Plan
FY 2014**

State: Maryland

Area of Focus: Concentrated Animal Feeding Operations (CAFOs)

Goal: Ensure that permitting and compliance activities related to CAFOs that discharge to surface waters meet regulatory and statutory objectives.

Objectives:

- 1) Ensure all CAFOs obtain NPDES permit coverage sufficient to meet the national program goals for CAFOs.
- 2) Permits issued to CAFOs are protective of water quality and, where applicable, meet the objectives of the Chesapeake Bay Total Maximum Daily Load (TMDL).
- 3) Ensure compliance monitoring and enforcement activities identify and address violations in a timely and appropriate manner.

EPA Activities:

- 1) EPA will oversee Maryland's (MD) CAFO program to ensure consistency with the federal CAFO regulations.
- 2) EPA will work with MD to address any deficiencies found in the *Review of Maryland's CAFO State Technical Standards* report dated December 14, 2012.
- 3) EPA will review MDE's March 2012 enforcement policy applicable to CAFOs.
- 4) EPA will work with MDE to track implementation of its Permitting and Compliance Strategies submitted June 21, 2011 (amended 12/7/2011) and request updates as necessary.
- 5) EPA will work with MDE to develop a FY 2014 compliance monitoring strategy (CMS) for the MD CAFO program as part of MDE's comprehensive NPDES CMS. EPA will work with MDE to address minimum data elements for reporting and a reporting mechanism to track CAFO compliance monitoring, enforcement, and permitting activities.
- 6) EPA will work with MDE to increase availability of CAFO data into the ICIS national database.
- 7) EPA will conduct Quarterly Enforcement Management (QEM) calls with MDE.
- 8) EPA will conduct a review of the Maryland animal agriculture programs to determine whether they are 1) consistent with the NPDES requirements and 2) sufficiently aligned and effectively implemented to achieve the commitments in Maryland's animal-agriculture Chesapeake Bay WIP commitments.
- 9) EPA will inspect at least 4 AFOs in a small watershed in Maryland to determine whether they are in compliance with legal requirements for reducing nitrogen, phosphorus, and sediment.

State Activities:

- 1) MDE will work with EPA to ensure that MD's CAFO program is consistent with the federal regulations for CAFOs.
- 2) MDE will work with EPA to review MD's technical standard and coordinate with the Maryland Department of Agriculture (MDA) as necessary. If appropriate, MDE will submit a schedule for revision of the DE technical standard to address any inconsistencies between the DE standard and federal requirements.
- 3) MDE will continue implementing the MD permit and compliance strategies.
- 4) MDE will take timely and appropriate enforcement pursuant to MDE and/or EPA enforcement policy.
- 5) MDE will develop and submit to EPA a FY 2014 CMS for the MD CAFO program as part of MDE's comprehensive FY 2014 CMS. MDE's CAFO CMS should ensure that all CAFOs are inspected within a five year period.
- 6) MDE with input from EPA will develop a template that includes minimum data elements for reporting, and a reporting mechanism to track CAFO compliance monitoring, enforcement, and permitting activities.
- 7) MDE should work with EPA to identify activities that will increase the availability of CAFO data into the ICIS national database.
- 8) MDE will participate in QEM calls to provide necessary information to support compliance and permitting activities.
- 9) Maryland will work with EPA during EPA's review of the Maryland animal agriculture programs to determine whether they are 1) consistent with the NPDES requirements and 2) sufficiently aligned and effectively implemented to achieve the commitments in Maryland's animal-agriculture Chesapeake Bay WIP commitments.
- 10) MDE will participate in the watershed assessment and coordinate with MDA as necessary.

Measures:

- 1) Number of state inspections.
- 2) Number of annual report reviewed
- 3) Number and Percent of CAFOs with NPDES permit coverage
- 4) Number of enforcement actions

State Reporting:

- 1) Semi-annual reporting through the Section 106 grant reporting process (data reporting requirements for permitting and enforcement will developed with EPA).
- 2) Report outputs/outcomes per the Measures Section (semi-annual through Section 106 grant reporting process).
- 3) QEM calls to track status of CAFO noncompliance.